

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X
UNITED STATES OF AMERICA, : 14-CR-625 (DLI)
: 20-CR-569 (DLI)
Plaintiff, :
:
-against- :
: United States Courthouse
DANIEL RENDON-HERRERA, a/k/a : Brooklyn, New York
"Don Mario," a/k/a "El
Viejo," a/k/a "El Tio," and :
a/k/a "La Señora," :
Defendant. : Tuesday, November 2, 2021
: 2:00 p.m.
- - - - -X

TRANSCRIPT OF CRIMINAL CAUSE FOR A PLEADING
BEFORE THE HONORABLE DORA L. IRIZARRY
UNITED STATES DISTRICT SENIOR JUDGE

A P P E A R A N C E S:

For the Government: BREON S. PEACE, ESQ.
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
BY: JONATHAN P. LAX, ESQ.
FRANCISCO J. NAVARRO, ESQ.
Assistant United States Attorneys

For the Defendant: THE LAW FIRM OF CÉSAR DE CASTRO, P.C.
7 World Trade Center
34th Floor
New York, NEW YORK 10007
BY: CÉSAR DE CASTRO, ESQ.

Court Reporter: DAVID R. ROY, RPR
225 Cadman Plaza East
Brooklyn, New York 11201
drroyofcr@gmail.com

Proceedings recorded by Stenographic machine shorthand,
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Proceedings

2

P R O C E E D I N G S

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(In open court.)

THE COURTROOM DEPUTY: Criminal cause for a
pleading, Docket Numbers 14-CR-625 and 20-CR-569,
United States versus Daniel Rendon-Herrera.

Please state your appearances.

MR. LAX: Jonathan Lax --

THE COURT: You may remain seated.

MR. LAX: Jonathan Lax and Francisco Navarro on
behalf of the Government. Good afternoon, Your Honor.

MR. NAVARRO: Good afternoon.

THE COURT: Good afternoon to both of you.

All right. And on behalf of Mr. Rendon-Herrera,
please.

MR. DE CASTRO: Good afternoon. César De Castro
and Paralegal and Trial Preparation Assistant Kimberly
Tabares.

THE COURT: Good afternoon to both of you.

Good afternoon to you, Mr. Rendon-Herrera.

THE DEFENDANT (THROUGH THE INTERPRETER): Very
good afternoon, Your Honor, and good afternoon and to the
assistants in the room.

THE COURT: Good afternoon.

And Mr. Rendon-Herrera is being assisted today

Proceedings

3

1 with Spanish-language interpreters, which we have two here
2 today.

3 Can we have the names, please, of the first
4 interpreter who is assisting.

5 INTERPRETER VENANT: J. Carlos Venant,
6 V-E-N-A-N-T. Good afternoon, Your Honor.

7 THE COURT: Good afternoon.

8 And are you a *per diem* or on staff here?

9 INTERPRETER VENANT: *Per diem*.

10 THE COURT: Okay. Thank you.

11 And our second interpreter?

12 INTERPRETER ORRANTIA: My name is Dagoberto
13 Orrantia; D-A-G-O-B-E-R-T-O, O-R-R-A-N-T-I-A, and I'm a
14 Certified Interpreter, *per diem*.

15 THE COURT: All right. Great. Thank you very
16 much.

17 I'm going to ask the courtroom deputy to please
18 administer the oath to both interpreters.

19 You can remain seated.

20 THE COURTROOM DEPUTY: Please raise your right
21 hands.

22 (Interpreters sworn.)

23 THE COURTROOM DEPUTY: Thank you.

24 THE COURT: Thank you.

25 It has taken us a long time to get here, and I'm

Proceedings

4

1 grateful that we can, under the circumstances, do this as an
2 in-person proceeding. Because we still have the space
3 limitations due to social distancing, we have made this
4 proceeding accessible to the public by telephone. That
5 access information has been provided on the Court's public
6 calendar, which is available on the Court's public website,
7 and the Court's district executive has been gracious enough
8 to provide overflow courtroom space as well, if it is so
9 needed.

10 I do want to remind attorneys, litigants, and
11 members of the press and public that pursuant to *Local Civil*
12 *Rule 1.8*, made applicable to criminal proceedings by
13 *Local Criminal Rule 1.1(b)*, and *Administrative Order 2020-24*
14 issued by the Chief Judge of this court.

15 Any audio and/or video recording of any court
16 proceeding, whether it's completely in-person or a hybrid,
17 such as this one here, which is a combination of audio and
18 in-person, or completely remote is strictly prohibited and
19 violators will be sanctioned. And the Court always
20 recommends that parties review the administrative order that
21 I just referred to, as it has a more wholesome discussion of
22 the conduct that is prohibited and the sanctions that can be
23 imposed for engaging in such prohibited conduct.

24 I am going to ask that everyone please remain
25 seated. The microphones will be able to pick you up much

Proceedings

5

1 better if you are seated, as well. And I am going to ask
2 everyone, both for the sake of the court reporter and the
3 sake of the interpreters, to please try to speak slowly and
4 in sentences as short as you can make them so that they can
5 do their job as effectively as possible.

6 And I am going to let the interpreters know that
7 if you cannot hear something or if you need something
8 repeated for any reason or you need somebody to slow down,
9 just let us know, okay? Let's raise your hand right away
10 and we'll stop everything. And the same goes for the court
11 reporter, you know, please, if there's anything you cannot
12 hear, just let us know.

13 All right. I know we are all speaking through
14 masks. The microphones are really quite good at picking
15 everything up, but you do have to keep your voice up nice
16 and loudly. This is my third proceeding for today and we
17 have been able to manage okay. So as long as you keep your
18 voices up, we should be able to hear each other well enough.
19 Thank you.

20 And my understanding, Mr. De Castro, is that
21 Mr. Rendon-Herrera wishes to withdraw his previously entered
22 pleas of not guilty and enter a plea of guilty to Count 1 of
23 the Third Superseding Indictment under *Docket 14-CR-625*, and
24 to Count 1 of the Sixth Superseding Indictment that was
25 originally filed in the Southern District of New York and

Proceedings

6

1 has been transferred here pursuant to *Rule 20 of the*
2 *Federal Rules of Criminal Procedure*, and that would be under
3 *Docket Number 20-CR-569?*

4 Is that what your client wishes to do here today,
5 sir?

6 MR. DE CASTRO: That is correct, Your Honor.

7 THE COURT: Mr. Rendon-Herrera, is that what you
8 wish to do today?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Please administer the oath to
11 Mr. Rendon-Herrera.

12 THE COURTROOM DEPUTY: Please raise your right
13 hand, sir.

14 **D A N I E L R E N D O N - H E R R E R A ,**

15 called as a witness having been first duly
16 sworn/affirmed, was examined and testified as
17 follows:

18 THE DEFENDANT: Yes, Your Honor, I swear it before
19 God.

20 THE COURT: Thank you. You may have a seat,
21 Mr. Rendon-Herrera.

22 All right. And everyone can just remain seated,
23 as well.

24 And with respect to Rule 20, I did see -- I always
25 ask for the Government to provide me in advance with a draft

Proceedings

7

1 of any plea document and copies of the indictment, which
2 they have done. And there was also included a copy of what
3 appears to be a fully executed Rule 20 transfer with respect
4 to the criminal case that was filed in Southern District
5 under their *Docket Number 04-CR-962*. I don't think that
6 anything more is required.

7 Am I correct about that?

8 MR. LAX: I think that's correct, Your Honor.

9 THE COURT: Okay.

10 And is there anything else, Mr. De Castro, that
11 you think is required from your client in connection with
12 that Rule 20 transfer?

13 MR. DE CASTRO: No, I do not believe so,
14 Your Honor.

15 THE COURT: Okay.

16 All right. Mr. Rendon-Herrera, I am going to ask
17 you a number of questions to assure myself that your plea is
18 a valid plea. It is very important that you understand
19 everything that is going on here today. It is made a little
20 complicated by the fact that we are proceeding with
21 Spanish-language interpreters. And so I want to make sure
22 that if there is anything at all that you do not understand,
23 if you do not understand the question or do not understand
24 something that I am explaining to you, please let me know
25 that right away, and I will do my best to reword the

Proceedings

8

1 question or explain whatever it is that you do not
2 understand.

3 Do I have your assurance, Mr. Rendon-Herrera, that
4 you will let me know if there is anything that you do not
5 understand?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Mr. Rendon-Herrera, are you able to
8 speak and understand English?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: And can you read and write at all in
11 the English language, because that's a different thing?

12 THE DEFENDANT: No.

13 THE COURT: Okay.

14 THE DEFENDANT: In English, no.

15 THE COURT: Okay. And, Mr. De Castro, my
16 understanding is that you are fluent in Spanish?

17 Am I correct about that?

18 MR. DE CASTRO: Yes, Your Honor.

19 THE COURT: All right. Thank you.

20 MR. DE CASTRO: And I should also say that so is
21 Ms. Tabares, and she has been assisting me at our meetings
22 with Mr. Rendon-Herrera.

23 THE COURT: All right. And so have you been able
24 to communicate with Mr. Rendon-Herrera in the Spanish
25 language?

Proceedings

9

1 MR. DE CASTRO: Yes.

2 THE COURT: All right.

3 MR. DE CASTRO: Yes, we have.

4 THE COURT: Okay. Have you ever done so with the
5 use of an interpreter --

6 MR. DE CASTRO: Not --

7 THE COURT: -- other than at court proceedings, I
8 mean?

9 MR. DE CASTRO: With Mr. Rendon-Herrera, no.

10 THE COURT: Okay.

11 MR. DE CASTRO: I should also note, Your Honor,
12 just when you get there, the plea agreement was also
13 translated beforehand by the Government into Spanish. I've,
14 of course, reviewed it, and I reviewed it with him and he
15 had a copy at the MDC.

16 THE COURT: Okay. And I may ask you about that
17 again when we get to that point.

18 MR. DE CASTRO: Thank you, Your Honor.

19 THE COURT: All right. Mr. Rendon-Herrera, have
20 you had any difficulty in communicating with your attorney
21 either directly or through an interpreter perhaps during
22 court proceedings?

23 THE DEFENDANT: Not at all, no, Your Honor.

24 THE COURT: Do you understand that you have the
25 right to be represented by counsel at trial and at every

Proceedings

10

1 other stage of the proceedings, including this one?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you understand that if you cannot
4 afford counsel, the Court may appoint counsel for you at no
5 cost to you?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: And, in fact, at one point you did
8 have retained counsel that you were paying for, and
9 the Court appointed Mr. De Castro to represent you at no
10 cost to you.

11 Do you understand that?

12 THE DEFENDANT: Yes, I understand that,
13 Your Honor.

14 THE COURT: Okay. Thank you.

15 And if at any point in time you wish to consult
16 with Mr. De Castro, please let me know that and I will give
17 you the opportunity to do that.

18 Will you let me know if you wish to speak with
19 Mr. De Castro?

20 THE DEFENDANT: Understood, Your Honor.

21 THE COURT: And will you let me know if you want
22 to speak with him?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Okay. Thank you.

25 You have sworn to tell the truth. This means that

Proceedings

11

1 if you answer any of my questions falsely, your answers
2 later may be used against you in a separate prosecution for
3 the crimes of perjury, or of making a false statement.

4 Do you understand that?

5 THE DEFENDANT: Yes, I understand it, Your Honor.

6 THE COURT: All right. What is your full name,
7 please.

8 THE DEFENDANT: My full name is Daniel
9 Rendon-Herrera.

10 THE COURT: Just one minute.

11 For the two people who just walked in, are you
12 both vaccinated?

13 UNIDENTIFIED FEMALES: Yes, ma'am.

14 THE COURT: Okay. And, sir, you need to wear your
15 mask properly.

16 UNIDENTIFIED MALE: (Complies.)

17 THE COURT: Thank you, sir.

18 Mr. Rendon-Herrera, what is your age now?

19 THE DEFENDANT: I am 56 years old.

20 THE COURT: What is the highest grade that you
21 completed in school?

22 THE DEFENDANT: I studied in primary school up to
23 second grade; and in the jail, I finished high school.

24 THE COURT: And was this in Colombia?

25 THE DEFENDANT: In Colombia, yes.

Proceedings

12

1 THE COURT: And where were you born?

2 THE DEFENDANT: I was born in Colombia, Amalfi,
3 Antioquia in Colombia.

4 THE COURT: Are you a naturalized citizen of the
5 United States?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Are you presently or have you recently
8 been under the care of a doctor for any reason?

9 THE DEFENDANT: Medicated, Your Honor.

10 THE COURT: Okay. And I know that you have some
11 health issues because we have addressed these health issues
12 throughout the pendency of the case. Are you taking any
13 medications right now?

14 THE DEFENDANT: Yes, Your Honor, I am medicated.
15 I'm taking 13 pills a day.

16 THE COURT: Do you take them at the same time or
17 do you take some in the morning and some at night?

18 THE DEFENDANT: No. No, I -- I have them in the
19 morning, at noon, and in the afternoon.

20 THE COURT: What do you take in the morning?

21 THE DEFENDANT: I took the ones from the morning.
22 I -- I haven't taken the ones for the afternoon or the
23 others for the evening. I only took the ones for the
24 morning today.

25 THE COURT: And which ones do you take in the

Proceedings

13

1 morning?

2 THE DEFENDANT: In the morning, I take one for
3 cardio. And at the moment, I -- I couldn't tell you what
4 the others are.

5 THE COURT: Okay.

6 All right. Do any of these medicines that you
7 take in the morning affect your ability to think clearly,
8 sir?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: And are you feeling okay right now,
11 Mr. Rendon-Herrera?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Okay. And the medications that you
14 take at night, do you still feel their effect at all into
15 the morning?

16 THE DEFENDANT: At night. In the morning, no, in
17 the morning I wake up fine.

18 THE COURT: Okay. Are you presently or have you
19 recently been under the care of a psychiatrist?

20 THE DEFENDANT: No. No, I haven't had any
21 consultations with psychiatrists.

22 THE COURT: Have you ever been hospitalized or
23 treated in any way for any mental illness?

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: Have you ever been hospitalized or

Proceedings

14

1 treated for addiction to drugs or to alcohol?

2 THE DEFENDANT: Not either, Your Honor.

3 THE COURT: And aside from your medicines in the
4 morning that you took this morning, have you taken any other
5 kind of narcotic drugs or over-the-counter drugs like
6 aspirin, Tylenol, anything like that in the past 24 hours,
7 except for your medicines that you told me about?

8 THE DEFENDANT: So I did take the ones that I
9 normally take at night and one of them is aspirin.

10 THE COURT: Okay.

11 All right. But nothing besides what you were
12 prescribed?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Okay. In the past 24 hours have you
15 consumed any alcoholic beverages?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: As you are sitting here right now, is
18 your mind clear?

19 THE DEFENDANT: Yes. I feel I'm in perfect
20 condition, Your Honor, for this.

21 THE COURT: Okay. And do you understand
22 everything that is going on here today?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: And, Mr. De Castro, have you discussed
25 this matter with your client?

Proceedings

15

1 MR. DE CASTRO: Yes, Your Honor.

2 THE COURT: Have you discussed -- well, you
3 mentioned that you have been able to discuss it with him
4 directly in Spanish, correct?

5 MR. DE CASTRO: Correct.

6 THE COURT: All right. In your opinion, is your
7 client capable of understanding the nature of these
8 proceedings?

9 MR. DE CASTRO: He is.

10 THE COURT: In your opinion, Mr. De Castro, does
11 he understand the rights he will be waiving by pleading
12 guilty?

13 MR. DE CASTRO: Yes, he does.

14 THE COURT: Do you have any doubt as to your
15 client's competence to plead at this time?

16 MR. DE CASTRO: No doubt.

17 THE COURT: Have you advised him of the maximum
18 sentence and fines that can be imposed?

19 MR. DE CASTRO: I have.

20 THE COURT: Have you discussed with him the
21 operation of the advisory sentencing guidelines?

22 MR. DE CASTRO: Yes.

23 THE COURT: Mr. Rendon-Herrera, have you had a
24 sufficient opportunity to discuss this case with
25 Mr. De Castro?

Proceedings

16

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Are you fully satisfied with the
3 representation and advice given to you in this case by
4 Mr. De Castro?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: There are two indictments that are
7 involved in this case. Have you received copies of both of
8 these indictments?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And did you discuss these indictments
11 with Mr. De Castro?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: All right. We will take them one at a
14 time.

15 With respect to Count 1 under *Case*
16 *Number 14-CR-625*, this indictment has an introduction which
17 explains certain groups and certain parties.

18 Are you familiar with that introduction?

19 THE DEFENDANT: I know that it discusses that I
20 was part of or participated in the *Autodefensas Unidas de*
21 *Colombia*.

22 THE COURT: Okay. That's the indictment from the
23 Southern District. I'm talking about the Brooklyn
24 indictment, so let me go back a little bit. And I just want
25 to summarize a little bit of what is in the introduction.

Proceedings

17

1 So the introduction of this indictment, this is
2 the case that you have had in front of me for the past few
3 years.

4 THE DEFENDANT: Oh, yeah.

5 THE COURT: It defined an organization called
6 *Los Urabeños*, which is defined in the indictment as a drug
7 trafficking organization, which was a cocaine trafficking
8 and paramilitary organization based in Urubá, Colombia. And
9 it also explains that the *Los Urabeños* were involved in
10 multi-ton shipments of cocaine from Colombia to Mexico and
11 Central America, ultimately to be imported into the
12 United States; and that the *Urabeños* coordinated the
13 production, the purchase, and transfer of shipments of
14 cocaine, as well as the receipt of shipments of cocaine in
15 Mexico and Central America. The *Urabeños* also controlled
16 territory in various areas in Colombia and imposed attacks
17 on any drug traffickers operating in regions under the
18 control of the *Urabeños*. And specifically the *Urabeños*
19 charged a set fee for every kilogram of cocaine that was
20 manufactured, stored, or transported through areas
21 controlled by the *Urabeños*. *Urabeños* also employed
22 *sicarios*, or hitmen, who carried out various acts of
23 violence. It included murders, assaults, kidnappings, and
24 assinations. *Urabeños* utilized these acts of violence to
25 collect drug debts, maintain discipline, control, and expand

1 drug territory and to promote and enhance the prestige,
2 reputation, and position of the organization.

3 It is alleged that the Defendants Dairo Antonio
4 Usuga-David, also known as Otoniel, Mao, Gallo, and
5 Mauricio-Gallo; and Daniel Rendon-Herrera, also known as Don
6 Mario, were principal leaders of the *Urabeños*.

7 It is alleged that the Defendants Jairo de Jesus
8 Durango Restrepo, also known as Gua Gua; Roberto Vargas
9 Gutierrez, also known as Gavilan; Carlos Alberto Moreno
10 Turberquia, also known as Nicolas; Aristides Manuel Mesa
11 Paez, also known as El Indio; Luis Orlando Padierna Peña,
12 also known as Inglaterra; Jobanis de Jesus Avila Villadiego,
13 also known as Chiquito and Chiquito Malo; and César Daniel
14 Anaya Martinez, also known as Tierra, were commanders of the
15 *Urabeños* in charge of collecting drug taxes, managing armed
16 combatants, and maintaining control over specific
17 territorial areas within Colombia.

18 The Defendant Yony Alberto Grajales Alvarez, also
19 known as Guajiro and Paisa, was the head of a drug
20 collection office based in Cali, Colombia that was
21 responsible for collecting drug debts owed to the *Urabeños*
22 through the use of violence and threats of violence.

23 The Defendant Ramiro Caro Pineda, also known as
24 Nolasco and Hugo, was an organizer of the *Urabeños* in charge
25 of collecting drug taxes, coordinating drug shipments, and

Proceedings

19

1 maintaining control over airstrips and ports on the Atlantic
2 Coast of Colombia.

3 That is the introduction to Count 1. And the
4 reason why I review it is because Count 1 incorporates or
5 includes that introduction within that count.

6 Do you understand that, Mr. Rendon-Herrera?

7 THE DEFENDANT: Yes, I understand.

8 THE COURT: And I just want to ask the Government,
9 in connection with the allocution for the continuing
10 criminal enterprise that's charged in Count 1, two things.
11 There are -- and I would like your input as well,
12 Mr. De Castro, on this. It goes through a very long litany
13 of names, and as I reviewed it, it seems that it is the same
14 names repeated throughout, at least that first part, of the
15 Count 1 before we get to Violation 1.

16 So my first question to both sides is whether it
17 is okay if I just say the aforementioned defendants?

18 MR. LAX: Certainly. No objection from the
19 Government, Your Honor.

20 THE COURT: Okay. I have been hours behind this
21 mask, so my voice is getting a little scratchy.

22 MR. LAX: I completely understand.

23 THE COURT: The other question that I have in
24 terms of the allocution, is that there are a number of
25 violations, and I wanted to know whether you wanted the

1 defendant to allocute to all of the violations?

2 So Violation 1 charges the international cocaine
3 manufacturing and distribution conspiracy. Violations 2
4 through 32, which incorporates, basically, a chart with a
5 number of, I suppose, seizures or transaction dates and that
6 would be 2 through 32. That's for the international cocaine
7 distribution charge. And then Violation 33, which is the
8 last violation under Count 1, is the murder conspiracy of
9 rival drug traffickers.

10 So I guess my question is, do you want an
11 allocution as to all the violations?

12 MR. LAX: Your Honor, I don't believe it's
13 necessary. I expect the defendant will allocute to at least
14 three, which I think is what is required to satisfy the
15 elements of the charge. So that's all we ask for,
16 Your Honor.

17 THE COURT: Is that your understanding, too,
18 Mr. De Castro?

19 MR. DE CASTRO: It is, Your Honor, yes.

20 THE COURT: Okay. And are all three included; are
21 they spread out throughout these three -- these groups of
22 violations?

23 MR. DE CASTRO: He prefers to allocute, just so
24 Your Honor knows, just to the 2 through 32, all those
25 shipments.

Proceedings

21

1 THE COURT: Okay.

2 MR. DE CASTRO: He won't go through each one, but
3 he will say 2 through 32, so, of course, you have a chart.
4 So if that's sufficient for the Court, our intention was to
5 do that.

6 THE COURT: Okay.

7 MR. LAX: Your Honor, if I may? I will also add
8 that part of the plea agreement, which I know the Court will
9 get to, includes a stipulation as to the drug weight --

10 THE COURT: Right.

11 MR. LAX: -- which is 73,000 some-odd kilos of
12 cocaine, that is the sum total of Violations 2 through 32.

13 THE DEFENDANT: 2 through 32?

14 MR. LAX: Correct.

15 THE COURT: Okay. So then my question to you is
16 whether I need to go through Violation 1 and Violation 33
17 with him?

18 MR. LAX: I would suggest Violation 1, but not
19 Violation 33, Your Honor.

20 MR. DE CASTRO: That's fine.

21 THE COURT: Okay.

22 All right. Did you understand what we are talking
23 about, Mr. Rendon-Herrera?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: All right. Because the charges are a

1 little complicated, so I want to make sure that we all have
2 the same understanding.

3 So with respect to Count 1, okay, going back to
4 Count 1, besides repeating again that introduction, it also
5 alleges that in or about and between June 2003 and December
6 of 2014, both dates being approximate and inclusive, meaning
7 more or less around that time, within the extraterritorial
8 jurisdiction of the United States, meaning outside of the
9 United States, the Defendant, Dairo Antonio Usuga-David,
10 also known as Otoniel, Mao, Gallo, and Mauricio-Gallo;
11 Daniel Rendon-Herrera, also known as Don Mario; Jairo de
12 Jesus Durango Restrepo, also known as Gua Gua; Roberto
13 Vargas Gutierrez, also known as Gavilan; Carlos Alberto
14 Moreno Turberquia, also known as Nicolas; Aristides Manuel
15 Mesa Paez, also known as El Indio; Luis Orlando Padierna
16 Peña, also known as Inglaterra; Jobanis de Jesus Avila
17 Villadiego, also known as Chiquito and Chiquito Malo; César
18 Daniel Anaya Martinez, also known as Tierra; Yony Alberto
19 Grajales Alvarez, also known as Guajiro and Paisa; and
20 Ramiro Caro Pineda, also known as Nolasco and Hugo, together
21 with others, did knowingly and intentionally engage in a
22 continuing criminal enterprise in that these people that I
23 just mentioned committed violations of *Title 21,*
24 *United States Code, Sections 846, 848(e), 952(a), 959(a),*
25 *960, and 963* including Violations 1 through 33 set forth

1 below, which violations were part of a continuing series of
2 violations of those statutes undertaken by the defendants
3 that I just mentioned in concert with five or more persons
4 with respect to whom the Defendants Dairo Antonio
5 Usuga-David, Daniel Rendon-Herrera, Jairo de Jesus Durango
6 Restrepo, Roberto Vargas Gutierrez, Carlos Alberto Moreno
7 Turberquia, Aristides Manuel Mesa Paez, Luis Orlando
8 Padierna Peña, Jobanis de Jesus Avila Villadiego, César
9 Daniel Anaya Martinez, Yony Alberto Grajales Alvarez, and
10 Ramiro Caro Pineda occupied a supervisory and management
11 position from which continuing series of violations the
12 Defendants Dairo Antonio Usuga-David, Daniel Rendon-Herrera,
13 Jairo de Jesus Durango Restrepo, Roberto Vargas Gutierrez,
14 Carlos Alberto Moreno Turberquia, Aristides Manuel Mesa
15 Paez, Luis Orlando Padierna Peña, Jobanis de Jesus Avila
16 Villadiego, César Daniel Anaya Martinez, Yony Alberto
17 Grajales Alvarez, and Ramiro Caro Pineda obtained
18 substantial income and resources. The continuing series of
19 violations, as defined by *Title 21 of the*
20 *United States Code, Section 848(c)*, included Violations 1
21 through 33 set forth below. And that follows.

22 As to Violation 1, Violation 1 concerns the
23 international cocaine manufacturing and distribution
24 conspiracy. And it is alleged that in or about and between
25 June 2003 and December 2014, both dates being approximate

1 and inclusive, within the extraterritorial jurisdiction of
2 the United States, the Defendants Dairo Antonio Usuga-David,
3 also known as Otoniel, Mao, Gallo, and Mauricio-Gallo;
4 Daniel Rendon-Herrera, also known as Don Mario; Jairo de
5 Jesus Durango Restrepo, also known as Gua Gua; Roberto
6 Vargas Gutierrez, also known as Gavilan; Carlos Alberto
7 Moreno Turberquia, also known as Nicolas; Aristides Manuel
8 Mesa Paez, also known as El Indio; Luis Orlando Padierna
9 Peña, also known as Inglaterra; Jobanis de Jesus Avila
10 Villadiego, also known as Chiquito and Chiquito Malo; César
11 Daniel Anaya Martinez, also known as Tierra; Yony Alberto
12 Grajales Alvarez, also known as Guajiro and Paisa; and
13 Ramiro Caro Pineda, also known as Nolasco and Hugo, together
14 with others, did knowingly and intentionally conspire to
15 manufacture and distribute five kilograms or more of a
16 substance containing cocaine, a Schedule II controlled
17 substance, intending and knowing that such substance would
18 be unlawfully imported into the United States from a place
19 outside thereof, from a place outside of the United States,
20 in violation of *Title 21 of the United States Code*,
21 *Sections 959(a), 959(c), 960 subdivisions (a)(3), 960*
22 *subdivision (b)(1)(B)(ii) and 963.*

23 Do you understand that violation?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: With respect to Violations 2 through

1 32, and that relates to the international cocaine
2 distribution, it alleges that on or about the dates that are
3 listed below, and there's a chart that follows, all dates
4 being approximate and inclusive, so more or less around that
5 time, within the extraterritorial jurisdiction of the
6 United States, the Defendants Dairo Antonio Usuga-David,
7 also known as Otoniel, Mao, Gallo, and Mauricio-Gallo;
8 Daniel Rendon-Herrera, also known as Don Mario; Jairo de
9 Jesus Durango Restrepo, also known as Gua Gua; Roberto
10 Vargas Gutierrez, also known as Gavilan; Carlos Alberto
11 Moreno Turberquia, also known as Nicolas; Aristides Manuel
12 Mesa Paez, also known as El Indio; Luis Orlando Padierna
13 Peña, also known as Inglaterra; Jobanis de Jesus Avila
14 Villadiego, also known as Chiquito and Chiquito Malo; César
15 Daniel Anaya Martinez, also known as Tierra; Yony Alberto
16 Grajales Alvarez, also known as Guajiro and Paisa; and
17 Ramiro Caro Pineda, also known as Nolasco and Hugo, together
18 with others, did knowingly and intentionally distribute a
19 controlled substance, intending and knowing that such
20 substance would be unlawfully imported into the
21 United States from a place outside thereof, in other words
22 from outside the United States into the United States, which
23 offenses involved a substance containing cocaine, a
24 Schedule II controlled substance, in the amounts listed
25 below, contrary to Title 21 -- and below refers to a chart

Proceedings

26

1 that follows -- contrary to *Title 21 of the United States*
2 *Code, Sections 959(a), 959(c), 960 subdivision (a)(3) and*
3 *960 subdivision (b)(1)(B)(ii) and Title 18 of the*
4 *United States Code, Section 2.*

5 Do you understand that so far?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Okay. And there's a chart that
8 follows that has a number of amounts and approximate dates
9 that I assume relate to transactions or seizures?

10 MR. LAX: Yes, Your Honor, transactions.

11 THE COURT: Okay. So the dates relate to the
12 transactions.

13 As to Violation 2, it's 1,600 kilograms of
14 cocaine, June 18, 2003; Violation 3, 2,040 kilograms of
15 cocaine. These are all in kilograms, so I'm just going to
16 give you the numbers. It is all in kilograms of cocaine.

17 Do you understand?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Okay. So I am just going to give you
20 the amount and the dates.

21 MR. DE CASTRO: Your Honor, I'm also fine if you
22 want to total it because we've gone over that part.

23 THE COURT: Okay. Are you familiar with the chart
24 that's in that count?

25 THE DEFENDANT: Yes, Your Honor.

Proceedings

27

1 THE COURT: Okay. So the total amount that that
2 comes to is 73,645 kilograms of cocaine.

3 Am I correct about that?

4 MR. LAX: Yes, Your Honor.

5 THE COURT: Do you agree?

6 MR. DE CASTRO: Yes, Your Honor.

7 THE COURT: Do you understand that?

8 THE DEFENDANT: Yes, I'm in agreement, too,
9 Your Honor.

10 THE COURT: Okay. And so that goes through
11 Violation 32.

12 Do you want me to go through Violation 33 as well
13 him?

14 MR. LAX: I don't think it's necessary,
15 Your Honor.

16 MR. DE CASTRO: No, Your Honor.

17 THE COURT: Okay. So that is Count 1 in the
18 indictment that's been pending here in Brooklyn in front of
19 me, okay? Then we also have the indictment that was pending
20 in the Southern District of New York that was transferred
21 here.

22 And my understanding is that you intend to plead
23 guilty to Count 1 of that indictment?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: And this is all the beginning part of

Proceedings

28

1 it because I don't see any specific -- I looked for it
2 yesterday when I reviewed this. I did not see any special
3 designation for Count 1. It was done in a different
4 district, so I guess they do things a little differently.
5 There's a special designation for Count 2.

6 MR. LAX: Are you referring to the incorporation
7 of the introductory passage; is that what Your Honor's
8 referring to? I'm not sure if I follow.

9 THE COURT: The parties' intent is that he would
10 plead guilty to the first part of the indictment.

11 Do you see where it says "statutory allegations"
12 on Page 4?

13 MR. LAX: Yes, Your Honor.

14 THE COURT: That's what I'm assuming is the
15 beginning of Count 1.

16 MR. LAX: Your Honor, I think Count 1 is right,
17 like --

18 MR. NAVARRO: The beginning.

19 MR. LAX: -- the beginning --

20 MR. DE CASTRO: Right. Right under --

21 THE COURT: Did I miss something?

22 MR. LAX: Right under the caption.

23 THE COURT: I got you. Thank you. I don't know
24 what I did, but I missed that. Okay. All right. Thank
25 you.

Proceedings

29

1 MR. DE CASTRO: It's not very noticeable.

2 THE COURT: Okay. It is just done a little
3 differently here, so I was looking for something -- or
4 something else. Okay.

5 MR. DE CASTRO: And they sometimes do it
6 differently there, too, even within different --

7 THE COURT: Oh, okay.

8 All right. As to Count 1, Mr. Rendon-Herrera,
9 this is the indictment that was pending in the federal
10 courthouse in Manhattan, okay?

11 THE DEFENDANT: Yes.

12 THE COURT: And charges conspiracy to provide
13 material support to a foreign terrorist organization. It
14 begins with a background to the conspiracy as follows: The
15 *Autodefensas Unidas de Colombia*, or AUC, was founded in 1997
16 as an umbrella group uniting a number of paramilitary bands
17 in Colombia. The AUC was a right-wing organization whose
18 main political objective was to defeat the left-wing *Fuerzas*
19 *Armadas Revolucionarios de Colombia*, or FARC, in armed
20 conflict and remove FARC sympathizers from government and
21 positions of influence in Colombia.

22 At all times relevant to this indictment, the AUC
23 carried out its political objective through kidnapping,
24 violent attacks, and the mass murder of civilians claimed by
25 the AUC to be FARC sympathizers. The AUC and its commanders

Proceedings

30

1 financed their terrorist activities by imposing taxes on the
2 cocaine traffic through AUC-controlled areas. That is, AUC
3 commanders, including Daniel Rendon-Herrera, also known as
4 Don Mario; also known as El Viejo; also known as El Tio;
5 also known as La Señora, the defendant, required payment
6 from drug traffickers who shipped drugs through or stored
7 drugs within the AUC commanders' territory, often on a
8 per-kilogram basis. The proceeds of those taxes were used
9 to fund the purchase of military-grade weapons, used by the
10 AUC, among other things. The AUC was designated by the
11 United States State Department as a Foreign Terrorist
12 Organization on September 10, 2001, and as a
13 Specially Designated Global Terrorist Organization on
14 October 31, 2001, and it remains so designated.

15 At all times relevant to this indictment --

16 MR. DE CASTRO: Your Honor, I'm sorry. I'm sorry
17 to interrupt. I'm wondering if they were void, because
18 unlike out of the Eastern --

19 THE COURT: I'm sorry, say that again.

20 MR. DE CASTRO: If they were void.

21 Unlike the Eastern District item, this
22 introduction is quite long. It's a little long, but I can
23 say we would waive your reading of that if the Court is
24 comfortable. And I know that it's taxing, especially in a
25 mask. He has reviewed it. I've review it with him. We've

Proceedings

31

1 discussed that AUC allegations, and he's actually going to
2 discuss them in his allocution, as well. But if the Court
3 is comfortable, we're fine with that.

4 THE COURT: It's fine with me if the Government is
5 fine with that.

6 I think that that's what I was trying to get at
7 with respect to getting to the statutory allegations, which
8 starts at the top of Page 4.

9 MR. DE CASTRO: Yeah.

10 MR. LAX: No, we have no objection, Your Honor.
11 We're happy to begin at Page 4, if that was what the
12 question is.

13 THE COURT: Okay. So it's not just me, it's the
14 interpreters, as well.

15 But, Mr. Rendon-Herrera, did you understand what
16 your attorney just said?

17 THE DEFENDANT: Yes, Your Honor, and I'm in
18 agreement.

19 THE COURT: Okay.

20 All right. So you understand what the
21 introduction is about?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay.

24 All right. So then let's start with the statutory
25 allegations. And it is alleged that from at least in or

1 about 2001, up to and including at least in or about
2 April 2009, in an offense in and affecting interstate and
3 foreign commerce, begun and committed outside of the
4 jurisdiction of any particular State or District of the
5 United States, including Colombia and elsewhere, Daniel
6 Rendon-Herrera, also known as Don Mario, also known as
7 El Viejo, also known as El Tio, also known as La Señora, the
8 defendant, who will be first brought to and arrested in the
9 Southern District of New York, and others known and unknown,
10 unlawfully and knowingly did combine, conspire, confederate,
11 and agree together and with each other to provide material
12 support or resources, as that term is defined in *Title 18 of*
13 *the United States Code, Section 2339A, subdivision (b)*, to a
14 foreign terrorist organization, to wit, the AUC, which was
15 designated by the U.S. Secretary of State as a foreign
16 terrorist organization on or about September 10, 2001,
17 pursuant to Section 219 of the Immigration and Nationality
18 Act; which has remained on the list of designees since that
19 time; and which is currently designated as such, as of the
20 date of filing of the this Indictment.

21 It was a part and an object of the conspiracy that
22 Daniel Rendon-Herrera, also known as Don Mario, also known
23 as El Viejo, also known as El Tio, also known as La Señora,
24 the defendant, and others known and unknown, would and did
25 provide the AUC with weapons, narcotics proceeds, personnel,

1 and other support and resources knowing that the AUC had
2 engaged and was engaging in terrorist activity (as defined
3 in *Section 212(a), subdivision (3)(B)* of the Immigration and
4 Nationality Act), and knowing that the AUC had engaged and
5 was engaging in terrorism (as defined in *Section 140(d)(2)*
6 of the Foreign Relations Authorization Act, Fiscal Years
7 1988 and 1989), in violation of *Title 18,*
8 *United States Code, Section 2339B.*

9 And the following overt acts are relayed. That in
10 furtherance of the conspiracy and to effect the illegal
11 object thereof, Daniel Rendon-Herrera, also known as
12 Don Mario, also known as El Viejo, also known as El Tio,
13 also known as La Señora, the defendant, committed the
14 following overt acts among others: In or about 2001 in
15 Colombia, Rendon-Herrera established checkpoints on the
16 roads under Centauros's control to ensure that drug
17 transporters who moved narcotics through the area had paid
18 the appropriate tax.

19 In or about September 2001, in Colombia,
20 Rendon-Herrera attended a meeting of AUC commanders where
21 the risk of importing cocaine into the United States,
22 including extradition to the United States to face criminal
23 charges, were discussed.

24 In or about 2005 or 2006, in Colombia,
25 Rendon-Herrera paid approximately \$100 per kilogram of

Proceedings

34

1 cocaine in taxes to a co-conspirator not named as a
2 defendant herein ("CC-2") so that Rendon-Herrera could
3 transport narcotics through territory controlled by CC-2.

4 In or about March 2008, Rendon-Herrera made
5 videotaped statements regarding, among other things, his
6 membership in the AUC.

7 In or about April 2008, in Colombia,
8 Rendon-Herrera possessed assault rifles, ammunition,
9 grenades, camouflage uniforms, and military backpacks.

10 Do you understand that charge?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you have any questions about any of
13 that?

14 THE DEFENDANT: No. But I wanted to add something
15 to that.

16 THE COURT: Well, perhaps you should speak to your
17 attorney before you say something.

18 (Pause in proceedings.)

19 MR. DE CASTRO: I don't think -- he doesn't have
20 anything else to add.

21 THE COURT: Okay.

22 All right. So, Mr. Rendon-Herrera, I am going to
23 explain to you the rights that you have under the
24 Constitution and Laws of the United States, and it's
25 important that you understand these rights because these are

Proceedings

35

1 the rights that you give up, or you waive, when you plead
2 guilty. So, again, I remind you that if there is anything
3 that you do not understand, now would be the time to let me
4 know because later on it will be too late.

5 Again, do I have your assurance that you will let
6 me know if there is anything that you do not understand,
7 sir?

8 THE DEFENDANT: Yes, I'll be paying attention.

9 THE COURT: Okay. The most important thing is
10 that you let me know if you do not understand something, all
11 right?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay, perfect.

14 Now, the first and the most important thing that
15 you must understand is that you do not have to plead guilty,
16 even if you are guilty, because under our legal system, the
17 prosecutor, the Government, has the burden of proving the
18 guilt of a defendant beyond a reasonable doubt. And if the
19 prosecutor cannot or does not meet his burden of proof or
20 their burden of proof, the jury has the duty to find the
21 defendant not guilty, even if the defendant is guilty; in
22 other words, it's a question of the quality and the quantity
23 of the proof.

24 Do you understand that?

25 THE DEFENDANT: Yes, Your Honor, I understand

Proceedings

36

1 that.

2 THE COURT: So what this means is that even if you
3 are guilty, you have a choice and it is up to you to decide
4 what to do. It is not up to your lawyer, your family, your
5 friends, or anyone else. You may withdraw your previously
6 entered pleas of not guilty and plead guilty as you
7 apparently wish to do today; or you may choose to go to
8 trial simply by persisting in your pleas of not guilty and
9 make the Government meet its burden of proving your guilt
10 beyond a reasonable doubt as to each one of these
11 indictments.

12 Do you understand that?

13 THE DEFENDANT: I understand it perfectly,
14 Your Honor.

15 THE COURT: Thank you.

16 If you plead not guilty, under the Constitution
17 and Laws of the United States, you are entitled to a speedy
18 and public trial by a jury with the assistance of counsel on
19 the charges contained in the indictment that have been filed
20 with the Court.

21 Do you understand that?

22 THE DEFENDANT: I understand.

23 THE COURT: At the trial, you would be presumed
24 innocent. You would not have to prove that you are
25 innocent. It is the Government's burden to overcome that

Proceedings

37

1 presumption and prove you guilty by competent evidence and
2 beyond a reasonable doubt.

3 Do you understand that?

4 THE DEFENDANT: Yes, I understand that,
5 Your Honor.

6 THE COURT: If the Government does not meet its
7 burden of proof, the jury would have the duty to find you
8 not guilty.

9 Do you understand?

10 THE DEFENDANT: I understand it, Your Honor.

11 THE COURT: All right. By pleading guilty, you
12 are giving up your right to have the Government satisfy its
13 burden of proving that you are guilty beyond a reasonable
14 doubt.

15 Do you understand?

16 THE DEFENDANT: Yes, I understand it.

17 THE COURT: In the course of the trial, the
18 witnesses for the Government would have to come to court and
19 testify in your presence, and your attorney would have the
20 right to cross-examine the witnesses for the Government.
21 Your attorney could object to any evidence offered by the
22 Government and he could offer evidence on your behalf. That
23 would include the right to *subpoena* or compel witnesses to
24 come to court and testify, and he could raise any defenses
25 that you may have under the law.

Proceedings

38

1 Do you understand that?

2 THE DEFENDANT: Yes, I understand that,
3 Your Honor.

4 THE COURT: By pleading guilty and if I accept
5 your plea, you give up your right to confront the witnesses
6 who would testify against you. You give up your right to
7 offer any evidence on your own behalf. You give up your
8 right to compel witnesses to come to court and testify and
9 you give up your right to raise any defenses you may have
10 under the law.

11 Do you understand that?

12 THE DEFENDANT: Yes, I understand that,
13 Your Honor.

14 THE COURT: At the trial you would have the right
15 to testify on your own behalf, but only if you choose to do
16 so. You are not required to testify. Under the
17 Constitution of the United States, a defendant in a criminal
18 case cannot be forced to take the witness stand at his trial
19 and say anything that could be used against him to show that
20 he is guilty of the crime or crimes with which he is
21 charged. If you decided not to testify, then I would
22 instruct the jury that they could not hold your silence
23 against you. This is called your right against
24 self-incarceration.

25 Do you understand that?

Proceedings

39

1 THE DEFENDANT: Yes, I understand that,
2 Your Honor. Thank you.

3 THE COURT: By pleading guilty, you are admitting
4 your guilt and you give up your right against
5 self-incarceration.

6 Do you understand that?

7 THE DEFENDANT: I understand that, Your Honor.

8 THE COURT: If you plead guilty, I must ask you
9 questions about what you did in order to satisfy myself that
10 you, in fact, are guilty of the charge to which you are
11 pleading guilty, and you will have to answer my questions
12 truthfully and acknowledge your guilt. In that regard I
13 remind you that you have taken an oath to answer my
14 questions truthfully.

15 Do you understand that?

16 THE DEFENDANT: Yes, I understand that,
17 Your Honor.

18 THE COURT: In other words, it is not enough just
19 to say that you are guilty. You must tell me what it is
20 that you did that makes you guilty of the particular charge
21 or charges to which you are pleading guilty.

22 Do you understand that?

23 THE DEFENDANT: Yes, I understand that, Your
24 Honor.

25 THE COURT: If you plead guilty and I accept your

Proceedings

40

1 plea, sir, you will be giving up your constitutional right
2 to a trial and all the other rights that I have just
3 discussed. There will be no further trial of any kind. I
4 will simply enter a judgment of guilty on the basis of your
5 guilty plea.

6 Do you understand that?

7 THE DEFENDANT: I understand it, Your Honor.

8 THE COURT: If you decided to go to trial and a
9 jury found you guilty, you could appeal both the verdict and
10 the sentence. In fact, if your attorney filed motions and I
11 ruled against you on the motions, you could appeal my
12 decision on the motions. You could appeal from any of the
13 rulings I might make during the course of the trial with
14 respect to the admissibility of evidence. However, by
15 pleading guilty and by entering into the plea agreement that
16 is before the Court, you have agreed to waive, or give up,
17 your right to appeal, or collaterally attack, all or part of
18 the sentence that I will impose, regardless of whatever term
19 of imprisonment I might impose, in terms of any term of
20 years. And if the sentences imposed on each of the
21 indictments run concurrently with each other; so in other
22 words, let's suppose -- and I don't know what I'm going to
23 be doing just yet -- but let's suppose that I were to impose
24 a sentence on each indictment of imprisonment, but I make
25 them run consecutive to each other; in other words, you have

Proceedings

41

1 to serve one sentence before you serve the other one, that's
2 what we mean by "consecutive," then you would have a right
3 to appeal from that sentence. And obviously, your right to
4 appeal the finding of guilt is very limited because you're
5 admitting your guilt with your own mouth.

6 Do you understand that?

7 THE DEFENDANT: Yes, I understand that.

8 THE COURT: But if I make the sentences run
9 concurrently with each other; in other words, that they run
10 together, then you have given up your right to appeal from
11 that sentence that's imposed by the Court.

12 Do you understand?

13 THE DEFENDANT: Yes, I understand.

14 THE COURT: Okay. And all this provision is
15 contained in Paragraph 5 of the plea agreement that I have
16 in front of me that we'll talk some more about in just a
17 minute. And there are a lot of terms in here. But you also
18 have agreed to waive all defenses based on venue. The case
19 that was filed in the Southern District you certainly had a
20 right to have that tried in the Southern District, but it's
21 been brought here. So there's been an agreement to transfer
22 the case here, but also you've given up your right to raise
23 any defenses based on venue either there or for any of the
24 charges with respect to where they might have occurred,
25 Mr. Rendon-Herrera.

Proceedings

42

1 Do you understand that?

2 THE DEFENDANT: Yes, I understand that,
3 Your Honor.

4 THE COURT: And you have also agreed to waive all
5 defenses based on the statute of limitations venue and
6 double jeopardy with respect to any prosecution that is not
7 time barred on the date that the agreement was signed, in
8 the event that your conviction sometime later is vacated for
9 any reason, you violate the agreement or your guilty plea is
10 withdrawn later on.

11 Do you understand that?

12 THE DEFENDANT: I understand it, Your Honor.

13 THE COURT: And you have also waived the right to
14 raise on appeal or on any collateral review, that's usually
15 what we call *habeas corpus* for short, any argument that the
16 statutes to which you are pleading guilty are
17 unconstitutional and that the conduct that you admit to does
18 not fall within the scope of the statutes.

19 Do you understand that?

20 THE DEFENDANT: I understand it, Your Honor.

21 THE COURT: And as I said, I'm not going through
22 the entire paragraph. There were some other provisions in
23 there, but I just wanted to make sure that you in particular
24 understood those provisions.

25 Do you understand that?

Proceedings

43

1 THE DEFENDANT: Yes, I do, Your Honor.

2 THE COURT: And are you willing to give up your
3 right to a trial and the other rights that I have just
4 discussed?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: And I've been mentioning a plea
7 agreement. I have a document marked Government's
8 Exhibit Number 1 which covers both cases. It's got several
9 pages. On the back it has today's date.

10 And I am assuming that that's your signature,
11 Mr. Lax, because I can make out a J?

12 MR. LAX: It is, Your Honor.

13 THE COURT: Okay. And below that, is that the
14 signature of Damian Williams?

15 MR. LAX: No, Your Honor. That's the signature
16 of --

17 THE COURT: Oh, okay. That's your supervising
18 assistant.

19 MR. LAX: Correct.

20 THE COURT: All right.

21 MR. LAX: And then beneath that is the supervising
22 assistant from the Southern District of New York.

23 THE COURT: All right. Okay.

24 MR. LAX: Yes, on behalf of that office.

25 THE COURT: Okay. Thank you.

Proceedings

44

1 And then right underneath these signatures from
2 the Government's office there is a very brief paragraph in
3 type that says, I have read and/or had translated and read
4 to me the entire agreement and discussed it with my
5 attorney. I understand all of its terms and am entering
6 into it knowingly and voluntarily.

7 Is that your signature right under that,
8 Mr. Rendon-Herrera?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And, Mr. De Castro, is that your
11 signature below that of your client?

12 MR. DE CASTRO: Yes, Your Honor.

13 THE COURT: And you mentioned earlier that the
14 entire plea agreement had been translated for
15 Mr. Rendon-Herrera into Spanish and you had also, of course,
16 reviewed it with him?

17 MR. DE CASTRO: Yes.

18 THE COURT: And --

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And, Mr. Rendon-Herrera, have you read
21 this written plea agreement as translated for you?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And did you review it with your
24 attorney?

25 THE DEFENDANT: I reviewed it with the attorney

Proceedings

45

1 and I received a copy in prison.

2 THE COURT: Okay. And do you understand all the
3 terms in the plea agreement?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Does the written plea agreement
6 accurately represent the entire understanding or agreement
7 that you have reached with the Government?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Mr. De Castro, have you read and
10 reviewed with your client the written plea agreement that's
11 before the Court?

12 MR. DE CASTRO: Yes, I have.

13 THE COURT: And does it reflect your understanding
14 of the entire agreement your clients have entered into with
15 the Government?

16 MR. DE CASTRO: It does.

17 THE COURT: Does this written plea agreement
18 reflect the entire agreement and understanding that the
19 Government has entered into with the defendant and his
20 counsel?

21 MR. LAX: Yes, Your Honor, aside from the proffer
22 agreements, which were referenced in Paragraph 17.

23 THE COURT: Okay.

24 All right. And in connection with the proffer
25 agreement, it wasn't clear whether there was an interpreter

Proceedings

46

1 present at the proffer agreement and whether the proffer
2 agreements were translated.

3 MR. LAX: Yes, there was and they were,
4 Your Honor.

5 THE COURT: Okay. It might be better practice to
6 have the interpreter sign the proffer agreement just as a
7 notation.

8 MR. LAX: I think that's a good suggestion,
9 Your Honor, yes. Thank you.

10 THE COURT: Okay.

11 Now, Mr. Rendon-Herrera, I'm going to discuss with
12 you the sentencing scheme that is applicable here, and
13 that's been set forth in the first few pages of the plea
14 agreement. And with respect -- so we're going to start with
15 what I'm going to call the Brooklyn indictment, the one that
16 I spoke to you about first and the one that's been pending
17 here in front of me for all these years.

18 THE DEFENDANT: Yes.

19 THE COURT: The minimum term of imprisonment is 20
20 years. It has a maximum term of imprisonment of life. The
21 Government's noted by way of a footnote in the plea
22 agreement that when you were extradited from the
23 Republic of Colombia, that the Government agreed that it
24 would not seek a sentence of life imprisonment, and that you
25 understand that the Government would not seek a sentence of

Proceedings

47

1 life imprisonment.

2 Do you understand that?

3 THE DEFENDANT: Yes, I understand that,
4 Your Honor.

5 THE COURT: Okay. Do you also understand that
6 the Court is not bound by any recommendations that the
7 Government may or may not make?

8 THE DEFENDANT: Yes, I do. I understand that,
9 Your Honor.

10 THE COURT: There is a -- if I were to impose a
11 term of imprisonment, the Court would also have to impose a
12 term of supervised release. The maximum term of supervised
13 release that it could impose would be five years. And what
14 that would mean is, assuming that you are not deported or
15 removed from the United States, you would be supervised by
16 the Department of Probation. They have certain conditions
17 that they would impose like regular reporting to the
18 Department of Probation, and I could impose certain special
19 conditions of supervised release, for example, that you not
20 possess a firearm. If you were to violate any of the
21 conditions of supervised release, whether imposed by
22 Probation or by the Court, then you could receive an
23 additional sentence of up to three years, and you would not
24 get credit for any time that you already spent in prison on
25 your prison sentence, and you would not get credit for time

Proceedings

48

1 you already spent on supervised release, even if you are
2 close to the end of your supervised release term.

3 Do you understand that?

4 THE DEFENDANT: Yes, I understand.

5 THE COURT: There is a maximum fine of \$2 million.

6 And the plea agreement says that restitution is not
7 applicable. But Count 1 doesn't incorporate a murder
8 conspiracy, and so I was curious about whether or not
9 restitution is applicable under the mandatory restitution --
10 Victim's Restitution Act?

11 MR. LAX: Yeah, I take, Your Honor's point. And I
12 think where we are now is that there certainly are no
13 identifiable victims that the Government is in contact with.
14 I also don't expect him to allocute to that particular
15 violation.

16 THE COURT: Okay.

17 All right. There is a special assessment of \$100
18 on that count that I must impose. In addition, there is a
19 criminal forfeiture, as well, for a total money judgment as
20 set forth in the plea agreement of 45,700 -- I'm sorry,
21 \$45,750,000.

22 And that would cover both indictments, correct,
23 not just --

24 MR. LAX: Yes, Your Honor, I'm sorry.

25 THE COURT: -- Count 1?

Proceedings

49

1 MR. LAX: Yes.

2 THE COURT: All right. And in connection with the
3 money forfeiture judgment, I would like to have a
4 preliminary order for my endorsement by November 30th.

5 MR. LAX: Yes, Judge.

6 THE COURT: That should give you plenty of time to
7 provide it to Mr. De Castro for his review --

8 MR. LAX: Yes, Judge.

9 THE COURT: -- prior to its submission.

10 MR. LAX: Yes.

11 THE COURT: In addition to that, because you are
12 not a citizen of the United States, a plea of guilty to this
13 count, as well as to the other count under the
14 Southern District indictment, makes you presumptively
15 removable to Colombia. In other words, you would most
16 likely be -- you would probably be deported back to
17 Colombia.

18 Do you understand that?

19 THE DEFENDANT: Yes, I understand that,
20 Your Honor.

21 THE COURT: And then with -- do you have any
22 questions about this Count 1 of the Brooklyn indictment? Do
23 you have any questions about that?

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: Okay.

Proceedings

50

1 THE DEFENDANT: It's clear.

2 THE COURT: Thank you.

3 So with respect to the Southern District
4 indictment, there is no mandatory minimum term of
5 imprisonment. The maximum term of imprisonment that applies
6 here is 15 years, and that's because even though currently
7 under the law if somebody committed the offense, let's say,
8 yesterday, all right, and they were pleading guilty today,
9 they would face a mandatory -- a maximum of 20 years. But
10 because the offenses that you are alleged to have committed
11 are -- the last time was in 2009, correct?

12 THE DEFENDANT: Yes.

13 THE COURT: -- the maximum was 15 years at that
14 time under the law. So we have something called the
15 *ex post facto* clause under the constitution, which means
16 that the lower penalty has to apply.

17 Do you understand -- so that's why the maximum is
18 15 years. Do you understand?

19 THE DEFENDANT: I understand it, Your Honor.

20 THE COURT: Okay. And again, there would be a
21 supervised release term, if I impose a term of imprisonment
22 on this, and the maximum term of supervised release would be
23 life. If you were to violate any of the conditions of
24 supervised release, then you could receive an additional
25 sentence of two years without credit for any time you spent

Proceedings

51

1 in jail on the original sentence and without credit for any
2 time you spent on supervised release.

3 There is a maximum fine of \$250,000, restitution
4 does not apply. There is an additional special assessment
5 of \$100 for this, so it's a total special assessment of
6 \$200. And again, the forfeiture that I just mentioned
7 applies to this, too. So with the total of \$45,750,000 for
8 both counts together.

9 Do you understand?

10 THE DEFENDANT: I understand it, Your Honor.

11 THE COURT: And as I just said, you are subject to
12 removal as a result of your plea of guilty to this count as
13 well.

14 Do you understand that?

15 THE DEFENDANT: Yes, I understand, Your Honor.

16 THE COURT: And understanding that you could be
17 removed, that you would likely be removed to Colombia as a
18 result of your conviction in this case, do you still wish to
19 enter a plea of guilty?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Okay. I also wanted to mention that
22 there are a number of things that the U.S. Attorney's Office
23 is agreeing to as a result of the parties entering into the
24 plea agreement. It starts on Page 7. It's Paragraph 6,
25 which is a fairly lengthy paragraph. It starts on Page 7,

1 and goes on to the top of Page 9. I'm not going to go
2 through each item individually, but there are certain things
3 that the Government is agreeing to do, such as to dismiss
4 any open charges in the indictment under which you are
5 pleading guilty and also to dismiss any underlying
6 indictment, as well, both from the Southern District and
7 here in the Eastern District.

8 The Government has also made some agreements with
9 respect to recommendations that they will or will not make
10 at the time of the sentence. Such as, for example, they may
11 make a recommendation to the Court that you be given credit
12 for time that you served in jail in Colombia, and with
13 respect to having the sentences run concurrent with each
14 other. That is just an example of some of the things that
15 the Government said that they might recommend to the Court
16 at the time of sentence.

17 I just want to make sure that you understand that
18 the Court is not bound to follow any of the recommendations
19 that the Government makes or that the defense makes. Do you
20 understand that? They are free to make the recommendation,
21 I will certainly give every recommendation that is made to
22 the Court at the time of sentence very serious
23 consideration. And all of these parties have been before me
24 in sentencing and they know I take it very, very seriously
25 and consider everything seriously.

Proceedings

53

1 But I want you to understand that. Do you
2 understand what I'm saying?

3 THE DEFENDANT: Yes. I have that very clear,
4 Your Honor.

5 THE COURT: Okay.

6 All right. I normally like to explain to
7 defendants when they're pleading guilty exactly what's going
8 to happen. Once I accept the plea of guilty, assuming that
9 I accept the plea of guilty today; and just very briefly I
10 just want you to understand that if that is the case, I am
11 then going to direct the Department of Probation to prepare
12 a presentence report, or PSR as we call it. The probation
13 department is an arm of the Court. They do not work for the
14 defense attorney and they do not work for the Government,
15 they work for the Court, and their job is to help me with
16 sentencing to get the information together. So they're
17 going to interview you. We will make a notation to them to
18 make sure they know that they need an interpreter, and you
19 certainly have a right to have your attorney present and I
20 strongly recommend that you have your attorney present at
21 that interview. They're going to talk to you about
22 everything about your life from the day you were born until
23 now, your health, your finances, your family, everything;
24 your education, everything.

25 They're also going to talk to the Government to

Proceedings

54

1 find out what their evidence was in the case, and they're
2 going to write that up. Probation is going to determine for
3 its own what it thinks the sentencing guideline range should
4 be in this case. They might agree with your attorney. They
5 might not agree with your attorney. They might agree with
6 the Government, and they might not agree with the
7 Government. At the end of the day at the time of sentence,
8 I make that final decision as to what the guideline range
9 should be, and I might not agree with anybody. I might come
10 to a different decision, or I might agree with Probation, or
11 I might disagree with them and I might agree with the
12 lawyers. But I make that final decision.

13 In addition, Probation is going to point out any
14 factors that they think might warrant what we call a
15 departure from the guidelines, either above what that
16 guideline range is or below the guideline range. They will
17 also point out factors that might warrant the imposition of
18 what we call a variance, or a sentence outside the
19 guidelines, either above the guideline range or below the
20 guideline range; and they're going to make a sentence
21 recommendation.

22 When that presentence report is finished, it will
23 be disclosed to your attorney, the Government, and to the
24 Court. We will all review it. It will be reviewed with
25 you. You will have an opportunity to object to anything

1 that is not correct in the presentence report. If we have
2 to have a hearing, we will have a hearing. In addition to
3 that, I always ask the lawyers to give me in writing a
4 sentence memorandum so that they can explain to me what
5 their recommendation is for sentencing and why.

6 On the date of the sentencing hearing, you will be
7 here with your lawyer, the Government will be here,
8 Probation will be here. At that time if there are still any
9 outstanding objections to the presentence report, I will
10 resolve those objections. I will make a determination at
11 that time what the sentence guideline range should be. And
12 then I will hear from the lawyers as to their sentence
13 recommendations and why. You have the right to make a
14 statement to the Court and I will be happy to give you that
15 opportunity at that time. So it is not until all of that
16 all happens that I will know what sentence I will be
17 imposing. We are not going to know until that time exactly
18 what the sentence guideline range is either.

19 I want you to understand this for a couple of
20 reasons: One, it takes a long time for a presentence report
21 to be prepared. It takes at least 12 weeks and now with
22 COVID, it's delayed even more. So I do not want you to be
23 concerned that you pled guilty but, you know, it has been
24 two or three months and you have not come to the Court.
25 Work is being done. It is a lot of work. So I want you to

1 understand that.

2 And the other thing that I want you to understand
3 is that as I sit here today, I do not have all this
4 information. So I do not know what sentence I will be
5 imposing at this point because I just do not have all the
6 information I need. I do not want you to assume anything
7 from what I said that I already have some idea in my head as
8 to what the sentence will be because I just do not have all
9 the information.

10 Do you understand all of that, that I have just
11 explained to you?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And so as I said, until the date of
14 sentence we are not going to know what the sentence
15 guideline range will be or whether there is a reason to
16 depart from the range or to impose a sentence that is a
17 variance from the range. But at this point in time, I am
18 going to ask the attorneys to give me their best estimate as
19 to what the guidelines are likely to say, based on the facts
20 that are available to them at this point in time. And
21 please keep in mind that this is a guess that could be
22 wrong.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: All right.

Proceedings

57

1 THE DEFENDANT: Yes, I do.

2 THE COURT: So what is the Government's estimate
3 as to where within the guidelines Mr. Rendon-Herrera will
4 fall?

5 MR. LAX: Your Honor, the Government estimates an
6 offense level of 57, which is to be treated as a level of
7 43, which is the very top of the guidelines. The
8 corresponding advisory range, notwithstanding, of course,
9 the Government's position on a life sentence, but the
10 advisory guidelines provide for life assuming that --

11 THE COURT: With a criminal history category of
12 what?

13 MR. LAX: Of 6.

14 THE COURT: Thank you.

15 MR. LAX: I would also note for the Court and for
16 the defense that there is a guideline range -- that the
17 defendant stipulates to our guideline calculation set forth
18 in the plea agreement.

19 MR. DE CASTRO: That's correct, Your Honor.

20 THE COURT: Thank you.

21 And in addition to that, as the Government
22 mentioned earlier, Mr. Rendon-Herrera, you also stipulated
23 to the drug quantity that we mentioned before, which was
24 73,645 kilograms.

25 Do you understand that?

Proceedings

58

1 THE DEFENDANT: I understand, Your Honor.

2 THE COURT: And one thing that I forgot to mention
3 with respect to the forfeiture, and that is that you have
4 agreed to the forfeiture, which means that you have also
5 waived any kind of procedural due process with respect to
6 the forfeiture. That is that you have given up your right
7 to any notice with respect to the forfeiture. You have
8 given up your right to have any jury determination with
9 respect to any issue concerning forfeiture.

10 Do you understand that?

11 THE DEFENDANT: Yes, I have it very clear,
12 Your Honor.

13 THE COURT: And with respect to the guideline
14 estimate, do you understand that this estimate is not
15 binding on the Government, Probation, or the Court,
16 Mr. Rendon-Herrera?

17 THE DEFENDANT: Yes, I understand that.

18 THE COURT: Thank you.

19 Do you also understand that if the estimate is
20 wrong, you will not be permitted to withdraw your plea of
21 guilty?

22 THE DEFENDANT: Yes, I understand that.

23 THE COURT: Do you have any questions that you
24 would like to ask me about the charges, your rights, or
25 anything else relating to this matter?

Proceedings

59

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Mr. De Castro, do you know of any
3 reason why your client should not plead guilty here today,
4 sir?

5 MR. DE CASTRO: No, Your Honor.

6 THE COURT: Are you aware of any viable legal
7 defense to the charges?

8 MR. DE CASTRO: No.

9 THE COURT: Mr. Rendon-Herrera, are you ready to
10 plead at this time?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you wish to consult with
13 Mr. De Castro before you plead?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: What is your plea to Count 1 of the
16 Brooklyn indictment that charges you with a continuing
17 criminal enterprise in connection with international drug
18 trafficking conspiracy, guilty or not guilty?

19 THE DEFENDANT: Yes, I do plead guilty.

20 THE COURT: And with respect to the indictment
21 from the Southern District of New York, Count Number 1 of
22 that indictment, charging you with conspiracy to provide
23 material support to a foreign terrorist organization; how do
24 you plead, guilty or not guilty?

25 THE DEFENDANT: I plead guilty.

Proceedings

60

1 THE COURT: Are you pleading guilty voluntarily
2 and of your own free will?

3 THE DEFENDANT: I do pled guilty from my own free
4 will.

5 THE COURT: Has anyone threatened or forced you to
6 plead guilty?

7 THE DEFENDANT: No, Your Honor.

8 THE COURT: And other than the promises contained
9 in the written plea agreement, has anyone made any other
10 promises to you to get you to plead guilty?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: Has anyone made any promise to you as
13 to what your final sentence will be?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: As you will recall in the very
16 beginning of this proceeding, I reviewed the charges and the
17 indictment with you. Do you wish for me to review them with
18 you again?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: At this time I would like for you to
21 describe for me in your own words what it is that you did in
22 connection with -- let's start with the Brooklyn indictment
23 first -- what you did in connection with the acts charged in
24 Count 1 that charges you with a continuing criminal
25 enterprise.

Proceedings

61

1 MR. LAX: Your Honor --

2 THE COURT: Yes, I'm sorry.

3 MR. LAX: I'm sorry to interpret, Your Honor. I
4 think Mr. De Castro and I are thinking the same thing.

5 So the conduct in the SDNY indictment predates the
6 conduct in the Brooklyn indictment, and I think it might
7 make sense just to move in the same sequence of time. So it
8 may make sense to allocute as to the SDNY indictment before
9 the EDNY indictment because the allocution, I expect, will
10 roll from one into the other.

11 THE COURT: Understood.

12 And you are in agreement with that?

13 MR. DE CASTRO: I am, Your Honor. As you can see,
14 he has papers in front of him. We have been working on that
15 together that he will be reading from --

16 THE COURT: That's fine.

17 MR. DE CASTRO: Okay.

18 THE COURT: I can do the mental gymnastics, that's
19 okay.

20 MR. DE CASTRO: Thank you. And it is
21 chronological. Exactly what the Government was saying.

22 THE COURT: Okay. So I'm sorry, let's change that
23 up a little bit, as the lawyer said. We are going to start
24 with the Southern District first, the Manhattan indictment
25 first. Count 1 of that indictment, okay, that charges

Proceedings

62

1 material conspiracy to provide material support to a foreign
2 terrorist organization, and then from there move to the
3 charge in the Brooklyn indictment.

4 Do you follow what I'm saying?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Okay. And I understand that you have
7 written something that you would like to read?

8 THE DEFENDANT: Yes, Your Honor. But more than
9 reading it, explaining it to the Court.

10 THE COURT: Okay. Perfect.

11 Okay. So just take your time.

12 THE DEFENDANT: Yes, Your Honor.

13 I was a militant and I participated in an
14 organization the United Self-Defenses of Colombia from the
15 year 1991 until the year 2006. During that period of time,
16 I had knowledge of terrorist acts such as homicides, among
17 other things. I was a financier of a block -- yes, of a
18 block of the *Autodefensas*, and it is there where I
19 acknowledge my guilt. Under my direction, in other words,
20 under my orders, under my command, I collected taxes under
21 the control of the *Autodefensas* in Colombia.

22 THE COURT: So was the purpose of collecting those
23 taxes so that drugs could be transported from one place to
24 another?

25 THE DEFENDANT: Yes, Your Honor. It was to buy

Proceedings

63

1 weapons and to give support to the *Autodefensas*, to the
2 paramilitary group.

3 THE COURT: Was part of the financing also to
4 allow the transportation of narcotics?

5 THE DEFENDANT: Yes. Part of this money was to
6 allow for the transportation of narcotics, in other words,
7 the cocaine. Well, it was that, it was a purchase of
8 logistics and weapons and everything.

9 THE COURT: Does the Government -- do you need
10 more than one of two overt acts under that count?

11 MR. LAX: Your Honor, I don't think we actually
12 need overt acts beyond what we have. I would just inquire,
13 I think it's implicit what the defense already said, but he
14 also -- doing all these things he did it in agreement with
15 others.

16 THE COURT: When you were engaging in this
17 activity, were you also acting together with other
18 individuals?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And did you all agree to engage in
21 this activity together?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Is that allocution satisfactory with
24 respect to that count?

25 MR. LAX: Yes, Your Honor.

Proceedings

64

1 THE COURT: Okay.

2 MR. LAX: Thank you.

3 THE COURT: Okay. So then we can move, I think,
4 to the Brooklyn indictment.

5 THE DEFENDANT: By the year 2006, the commander of
6 the entire *Autodefensas* recently demobilized, called all the
7 little commanders, among them, me, to create an organization
8 that came to be called *Heroes of Castaño*, which later on
9 became known as *Audodefensas Gaitanistas de Colombia*, which
10 the Government calls them "*Urabeños*," to which I belonged.
11 And under my responsibility -- under my responsibility, I --
12 I plotted or associated, one might say, with other people to
13 collect taxes for the transportation of coke which was
14 coming to the United States. It was approximately --
15 approximately 73,645 kilos of cocaine.

16 THE COURT: And those transactions involving the
17 cocaine, that happened over a period of time?

18 THE DEFENDANT: Yes. That happened during the
19 period of time of 2006 to 2014.

20 THE COURT: Does the Government require any
21 additional --

22 MR. LAX: Yes, Your Honor.

23 So the taxes were collected in connection with a
24 series of three or more cocaine trafficking instances?

25 THE COURT: The question is whether the collection

Proceedings

65

1 of the taxes was in connection with at least three, if not
2 more, of these cocaine transactions?

3 THE DEFENDANT: Are you asking about --

4 THE COURT: No, how many?

5 THE DEFENDANT: -- the time -- five or more kilos
6 of cocaine?

7 THE COURT: I mean, how many times did this
8 happen?

9 THE DEFENDANT: Oh, it happened during the years
10 of 2006 through '14.

11 THE COURT: All right. Let me rephrase the
12 question. So did this happen more than three times during
13 that period?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Okay.

16 All right. Is that satisfactory to the
17 Government?

18 MR. LAX: Also this happened in concert with five
19 or more individuals?

20 THE COURT: In addition to the yourself, were
21 there at least five other individuals that were working with
22 you on this?

23 THE DEFENDANT: Yes. Yes, there were more than
24 five people who worked in this activity.

25 THE COURT: Mr. Lax, is there any other factual

Proceedings

66

1 allocation?

2 MR. LAX: And also, Your Honor, that the defendant
3 obtained substantial income or resources from those
4 narcotics trafficking violations.

5 THE COURT: So the question is, did you make a
6 substantial amount of money or get assets as a result of
7 engaging in this activity?

8 THE DEFENDANT: Your Honor, I did not gain any
9 benefits of my own.

10 THE COURT: What benefits did you get?

11 THE DEFENDANT: The defense of my integrity.

12 THE COURT: So the allegation is that you had
13 obtained a certain amount of assets as a result.

14 THE DEFENDANT: Money was obtained, but that was
15 invested into the structure of the organization.

16 THE COURT: Is that allocution satisfactory to the
17 Government?

18 (Pause in proceedings.)

19 MR. LAX: Only that that money was substantial.

20 THE COURT: The money that you received that was
21 invested back into the organization, was that a substantial
22 amount of money?

23 THE DEFENDANT: Yes, of course it was. Yes,
24 Your Honor.

25 THE COURT: Is that satisfactory to the

Proceedings

67

1 Government?

2 MR. LAX: Yes, Your Honor. Thank you.

3 THE COURT: Is there any additional allocution you
4 would request?

5 MR. LAX: No, Your Honor. Thank you.

6 THE COURT: Is there anything else, Mr. De Castro,
7 that you think the Court should inquire about?

8 MR. DE CASTRO: No, Your Honor. Thank you.

9 THE COURT: Based on the information given to me,
10 I find that Mr. Rendon-Herrera is acting voluntarily; that
11 he understands his rights and the consequences of his plea;
12 and that there is a factual basis for his pleas, and I
13 therefore, accept the pleas of guilty to Count 1 under
14 *Docket Number 14-CR-625* and Count Number 1 under *Docket*
15 *Number 20-CR-569*.

16 In that long explanation that I gave about what
17 happens once the Court has accepted a plea of guilty, I just
18 want to advise the parties that the Court will issue a
19 separate scheduling order with two dates, the first date is
20 not a court date. You are not going to come to court. That
21 is for the disclosure of the presentence report, and the
22 second date will be for the sentencing hearing.

23 With respect to objections to the presentence
24 report, they must be in writing. That also includes if you
25 do not have objections to the presentence report, and it is

1 a simultaneous submission, so 14 days after the disclosure
2 of the presentence report, the parties will indicate whether
3 or not they have objected to the presentence report in
4 writing. Please make sure that I get a hard copy of that,
5 okay?

6 Because of COVID and because we do not know where
7 things are going to stand, I am asking to have it docketed
8 just in case things get a little dicey. And if there are
9 objections, the adversary must respond within 14 days after,
10 again in writing. And the proponent of the objection, if
11 you wish, must reply 14 days after that, again, in writing.
12 Make sure the objections go to Probation. I just want a
13 courtesy copy of whatever you send to Probation.

14 With respect to the sentencing memoranda, I do ask
15 that the Government file first 14 days prior to sentencing.
16 Do not count the date of sentencing, count backwards. Where
17 you land, that's the due date; and Defense Counsel, seven
18 days later. And again, I only need one copy of your
19 sentencing submission. I don't need two copies, but I do
20 need a hard copy.

21 Things happen. Trials happen. I know,
22 Mr. De Castro, you're busy and pretty much a solo, right,
23 still? So if you need an extension of time for submission,
24 this is a complicated case, just let me know sufficiently in
25 advance of sentencing so I have enough time to review

Proceedings

69

1 everything. I do take a look at everything as it comes in.
2 But I spend a lot of time reviewing it when it comes
3 together.

4 Is there anything -- it looks like he is getting
5 the medical attention that he needs.

6 MR. DE CASTRO: He's doing well, Your Honor.

7 THE COURT: Because he's looking the best that I
8 have seen him, even through the mask.

9 You're feeling okay, Mr. Rendon-Herrera?

10 THE DEFENDANT: Yes. In the last month I've been
11 a lot better in my health.

12 THE COURT: All right. I am very glad to hear
13 that.

14 All right. If there is nothing else, these
15 proceeding are concluded. The Court thanks our two esteemed
16 interpreters for their service today. And, Marshals, you
17 may take charge.

18 MR. LAX: Thank you, Judge.

19 THE COURT: Thank you both very much.

20 (Matter concluded.)

21 --oo0oo--

22

23 *I (we) certify that the foregoing is a correct transcript*
24 *from the record of proceedings in the above-entitled matter.*

25 /s/ David R. Roy
DAVID R. ROY

November 30, 2021
Date